

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23

COMMENTS OF GENERAL COMMUNICATION, INC.

General Communication, Inc. (“GCI”) hereby submits these comments in response to certain points raised in the Petition for Reconsideration of the United States Telecom Association (“USTelecom Petition”).¹ In particular, GCI agrees with USTelecom that the Commission should reconsider the requirement that ETCs update the Lifeline eligibility database within one business day of a subscriber’s de-enrollment; that the Commission should clarify that, in the event of ETC non-compliance with the Lifeline rules, the Commission will suspend only an ETC’s Lifeline payments, and not its high cost or other universal service payments; that the Commission should clarify that ETCs need only collect the last four digits of a subscriber’s Tribal identification number; that the Commission should reconsider the requirement that ETCs file regular reports with Tribal authorities; and that the Commission should reconsider the speed benchmarks for the broadband pilot program. GCI disagrees with USTelecom, however, that the

¹ In these comments, GCI does not address proposals or arguments made by USTelecom or other petitioners that reflect the positions GCI took in its own Petition for Reconsideration and Clarification. GCI will address those issues to the extent necessary in its reply comments.

Commission should adopt a one-size-fits-all speed benchmark for all technologies and all geographic areas. Instead, the Commission should set lower speed benchmarks for rural areas, such as Alaska, and the technologies actually available to specific areas.

I. The Commission Should Reconsider the Requirement that ETCs Update the Lifeline Database within One Day of a Subscriber's De-Enrollment.

In the Lifeline Order, the Commission adopted a rule that ETCs must update the Lifeline eligibility database with any subscriber de-enrollments within one business day of de-enrollment.² USTelecom argues that “[t]his is an ambitious standard,” especially when “the national database is only getting started, and when Lifeline providers and the administrator have not yet had any experience with the database.”³ Accordingly, USTelecom proposes that the Commission change the rule to require ETCs to update the database within three business days, in order to “account for the inevitable technical and procedural complications that may arise on both sides of the interaction during its early stages.”⁴

GCI agrees with USTelecom that one business day is too short, and that three business days is a more reasonable amount of time. Considering that ETCs have never before been required to use an eligibility database, there will likely be a period of adjustment, as ETCs implement and refine procedures for complying with the Commission's rules with respect to the

² See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23 (rel. Feb. 6, 2012) (“Lifeline Order”).

³ USTelecom Petition at 12.

⁴ USTelecom Petition at 12.

database. As USTelecom notes, after an initial period, the Commission can later reassess whether the timeframe for updating the database can practicably be shortened.⁵

II. The Commission Should Clarify that, in the Event of ETC Non-Compliance with the Lifeline Rules, the Commission Will Suspend Only an ETC's Lifeline Payments.

The Lifeline Order provides that “when USAC finds that an ETC has failed to provide adequate documentation or has otherwise been operating in violation of the Commission’s low income rules and requirements, it shall notify the ETC of that failure and give the ETC 30 days to provide the necessary documentation and come into compliance. ... USAC has the discretion to suspend further payments to the carrier pending USAC’s receipt and evaluation of the carrier’s response to this notification.”⁶ USTelecom argues that “[t]he Commission should clarify that suspension of payments for alleged non-compliance applies only to Lifeline reimbursement payments, not to high-cost or other universal service payments owed to an ETC.”⁷ GCI agrees. As US Telecom points out, “[s]uspending high-cost payments because of alleged noncompliance with low-income rules would create an unnecessary hardship and would unreasonably and unfairly penalize the company out of all proportion to its violation. Moreover, the mechanisms for the programs are very distinct, and a carrier’s compliance with the rules for each program is wholly unrelated.”⁸

III. The Commission Should Clarify that ETCs Need Only Collect the Last Four Digits of Tribal Identification Numbers.

The Commission requires “ETCs to collect subscribers’ date of birth and last four digits of the Social Security number (or an official Tribal government identification card number (for

⁵ USTelecom Petition at 12.

⁶ Lifeline Order ¶ 298.

⁷ USTelecom Petition at 15.

⁸ USTelecom Petition at 15.

eligible consumers living on Tribal lands who lack a social security number) to verify the subscriber's ID through the National Accountability Database.”⁹ USTelecom asks the Commission to “clarify that collection of the last four digits of the Tribal government identification card number is sufficient to meet the requirement for collection of this information on the initial and annual certifications forms.”¹⁰ GCI concurs. As USTelecom put it, “[p]resumably the same privacy and security concerns that led the Commission to limit collection of the last four digits of the Social Security number would apply equally to those possessing tribal government identification cards.”¹¹ The Commission should ensure that the privacy of Lifeline subscribers who lack a Social Security number is safeguarded to the same extent as those subscribers who have a Social Security number.

IV. The Commission Should Reconsider the Requirement that ETCs File Reports with Tribal Authorities.

In the Lifeline Order, the Commission requires ETCs to file certain reports with Tribal authorities. In particular, the Commission “mandate[s] that covered ETCs provide audit reports to the Commission, USAC, and relevant state and Tribal governments within 30 days of issuance of the final report.”¹² Other Commission regulations require similar reporting.¹³ USTelecom argues that the Commission should “provide that a carrier shall provide tribe-specific information to tribal governments only upon reasonable request.”¹⁴ GCI agrees that ETCs should not be required to file such reports with Tribal governments unless specifically requested

⁹ Lifeline Order ¶ 118.

¹⁰ USTelecom Petition at 16.

¹¹ USTelecom Petition at 16.

¹² Lifeline Order ¶ 294.

¹³ See 47 C.F.R. § 54.416(b); 47 C.F.R. § 54.422.

¹⁴ USTelecom Petition at 16-17.

to do so by the Tribal government. As USTelecom points out, “ETCs do not have contact information for each particular tribe. Even where they have such information, it may not be clear to an ETC which tribal representative should receive the information.”¹⁵ In addition, as USTelecom observes, Tribal governments may not need or want reports responsive to federal mandate rather than Tribal interest.¹⁶ Requiring ETCs to file reports with Tribal governments only upon reasonable request “will allow identification of the proper party to whom the information should be reported, lead to more accurate reporting, and ensure that only the results associated with a particular tribe are reported to that tribe.”¹⁷

V. The Commission Should Reconsider the Speed Benchmarks for the Broadband Pilot Program.

In the Lifeline Order, the Commission adopted a speed benchmark for the broadband pilot program of 4 Mbps downstream and 1 Mbps upstream for fixed locations.¹⁸ The Commission also adopted a speed benchmark of 200 kbps downstream and 50 kbps upstream to handheld mobile devices for 3G networks and 768 kbps downstream and 200 kbps upstream to handheld mobile devices for 4G networks.¹⁹ US Telecom proposes a single speed benchmark of 3 Mbps downstream.²⁰ According to USTelecom, a 3 Mbps downstream benchmark would be technologically and competitively neutral, would be consistent with the Commission’s findings, and would ensure that the Commission’s Pilot Program produces the greatest possible amount of

¹⁵ USTelecom Petition at 17.

¹⁶ USTelecom Petition at 17.

¹⁷ USTelecom Petition at 17.

¹⁸ Lifeline Order ¶ 341.

¹⁹ Lifeline Order ¶ 341.

²⁰ US Telecom Petition at 18.

useful data.²¹ US Telecom also suggests that if an upload benchmark is required, it should be 768 Kbps, not 1 Mbps.²²

GCI agrees that the Commission should reconsider the speed benchmarks for the broadband pilot program, but disagrees with USTelecom with respect to the appropriate benchmarks. In particular, GCI believes that the Commission should apply different speed benchmarks in rural areas, like Alaska. As GCI has previously argued, “[t]o ensure that broadband deployment supported by the Low Income Program does not face insurmountable obstacles in unique environments like Alaska, the FCC should not apply the same broadband speed thresholds in hard-to-serve areas such as Tribal Lands that it may apply to regions with greater infrastructure already in place.”²³ GCI specifically proposed that, “[i]n markets where fiber backhaul is available, if the Commission sets minimum speeds at all, broadband pilot subsidies should be available for purchase of service allowing download speeds of at least 1.5 Mbps and upload speeds of 256 Mbps. In markets relying on terrestrial microwave middle mile facilities, the analogous minimum eligible speed limits should be no higher than 256 kbps download and 64 kbps upload. And, in markets relying on satellite transport across the middle mile, the analogous speed requirements should be no higher than 128 kbps download and 64 kbps upload.”²⁴ GCI maintains that these speed benchmarks are appropriate in remote areas, such as Alaska.

²¹ US Telecom Petition at 17-20.

²² US Telecom Petition at 20.

²³ Comments of General Communication, Inc., WC Docket Nos. 11-42, 03-109, CC Docket No. 96-45 (Apr. 21, 2011).

²⁴ Comments of General Communication, Inc. in Response to the Public Notice of August 5, 2011 Further Inquiring Into Four Issues, WC Docket Nos. 11-42, 03-109, CC Docket No. 96-45 (Aug. 26, 2011).

VI. Conclusion.

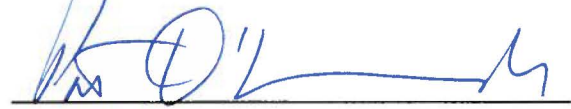
GCI concurs with much of USTelecom's Petition for Reconsideration. The Commission should allow three business days, instead of one business day, for ETCs to update the eligibility database in the event of de-enrollment. The Commission should also clarify that USAC may suspend only an ETC's Lifeline payments, and not its high cost or other universal service payments, in the event of non-compliance with the Lifeline rules. In order to safeguard the privacy of Lifeline subscribers with Tribal identification numbers, the Commission should only require ETCs to collect the last four digits of the Tribal identification number. To ensure that Tribal governments receive only information that is useful to them, the Commission should require ETCs to provide reports only upon reasonable request of the Tribal government. Finally, the Commission should take into account the challenges faced by ETCs in remote areas like Alaska in delivering broadband services at the speeds required by the Commission and adjust downward the speed benchmarks for those areas.

For all of the foregoing reasons, the Commission should clarify and/or reconsider the specific issues raised by USTelecom in its Petition for Reconsideration and addressed in these comments.

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